

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

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5 STEFFON BARBER, an individual,
6 Plaintiff,

7 v. Case No. 5:22-cv-00625-JWH-SHK

8 COUNTY OF SAN BERNARDINO, a
9 Municipal entity, and DOES 1
through 10, inclusive,

10 Defendants.
11 _____/

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16 STENOGRAPHIC REPORTER'S TRANSCRIPT OF
17 REMOTE VIDEO DEPOSITION OF CHRISTOPHER ALFRED
18 TUESDAY, AUGUST 26, 2025
19
20
21

22 Reported Stenographically by:

23 KIMBERLY D'URSO, CSR 11372, RPR

24 Job No. 19050
25

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26 ALSO PRESENT: Soufou Lee, Videographer

27 --oOo--

1 Q. You're very welcome.

2 Have you reviewed any documents to help prepare
3 for the deposition?

4 A. Yes.

5 Q. Can you tell me, please, what you have
6 reviewed?

7 A. Transcripts and the audio recordings from the
8 incident.

9 Q. Okay. The audio recordings, was that like a
10 belt recorder you had?

11 A. Correct. Yes.

12 Q. Was there any other audio recordings, or is
13 that the one you had in mind?

14 A. Audio recordings from my initial interview, and
15 the interviews from other involved parties.

16 Q. Okay. And your initial interview, who was that
17 interview with, if you recall?

18 A. Detective Hernandez.

19 Q. And when did you give that interview in
20 relation to the shooting incident?

21 A. Approximately, a couple weeks after.

22 Q. Did you give any interview related to the
23 shooting on the day of the shooting?

24 A. No, sir. I gave a public safety statement to
25 my supervisor.

1 Q. Who was your supervisor that you gave that
2 statement to?

3 A. Sergeant Taylor Long.

4 Q. And did you essentially tell him how many shots
5 you fired in which direction?

6 A. Correct.

7 Q. And what did you tell him in that regard?

8 A. How many shots were fired and what direction,
9 and we coordinated a plan to check on the nearby
10 residence.

11 Q. How many shots did you tell him you fired?

12 A. Six.

13 Q. And which direction did you tell him you fired
14 the shots?

15 A. In a south direction.

16 Q. Aside from the public safety statement, that
17 just has limited information; correct?

18 A. Correct.

19 Q. Did you give an interview explaining why you
20 shot, for example, in the first week after the shooting?

21 A. The only interview I gave with details about
22 the incident was to Detective Hernandez.

23 Q. And do you know why the interview was sometime
24 after the shooting, as opposed to closer to the
25 shooting?

1 A. Yes.

2 Q. Have you reviewed any policies related to the
3 use of deadly force?

4 A. Yes.

5 Q. Which policy or policies have you reviewed?

6 A. The San Bernardino County Sheriff's
7 Department's use of force guideline.

8 Q. And when was the last time you reviewed that
9 policy?

10 A. Last week, middle of last week.

11 Q. Do they have a particular section that applies
12 to deadly force?

13 A. Yes.

14 Q. And related to that section, is there a
15 particular section that applies to shooting at or from
16 moving vehicles?

17 A. Yes.

18 Q. Were you familiar with that policy at the time
19 of the shooting incident we're here to talk about?

20 A. Yes.

21 Q. And what -- I don't expect a verbatim, but what
22 is your general understanding of what that policy says?

23 A. Pertaining to use of deadly force or shooting
24 at moving vehicles?

25 Q. Good clarification, Deputy Alfred. I'm talking

1 about the shooting at moving vehicles.

2 A. At the time of the incident, it was a
3 "shall-not" policy. It was written as that: "shall not
4 be conducted under any circumstances." Shortly after,
5 there was a revision to that policy.

6 Q. Okay. Well, let's talk about the policy that
7 was in effect at the time. "Shall not" do what?

8 A. Shoot at a moving vehicle.

9 Q. Okay. Was there any discussion in the policy,
10 if you recall, about staying out of the path or getting
11 out of the path, rather than shooting?

12 A. If -- if feasible, yes.

13 Q. Was that your understanding of the policy at
14 the time of this incident; if feasible, get out of the
15 path of a moving vehicle, rather than shooting at it?

16 A. Correct.

17 Q. And obviously, part of your training, I would
18 assume, is don't necessarily, tactically position
19 yourselves in a bad spot, if you can avoid it, with
20 respect to moving vehicles. Is that generally a fair
21 statement?

22 A. Correct.

23 Q. Now, are you saying the policy changed in some
24 respects after this shooting incident?

25 A. Yes.

1 Q. What do you recall to be the date of the
2 shooting incident we're here to talk about?

3 A. April 27th of 2021.

4 Q. And do you have an estimate, Deputy, as to when
5 the policy changed, to your knowledge?

6 A. I do not, no.

7 Q. Do you know the nature of the policy change?

8 A. There was some slight verbiage that was changed
9 from a "shall not" to "generally," and it further
10 explained under other certain circumstances.

11 MR. GALIPO: Hold on.

12 You need to mute yourself, Rodney.

13 (Rodney Diggs has joined.)

14 MR. GALIPO: I think, for the record, Rodney
15 Diggs has joined us.

16 Go ahead.

17 THE WITNESS: It changed in the form of
18 verbiage from "shall not" to "generally," under certain
19 circumstances.

20 BY MR. GALIPO:

21 Q. Okay. But it sounds like that policy change
22 was after the incident?

23 A. From my understanding, yes.

24 Q. So at the time of the incident, your
25 understanding of the policy regarding shooting at moving

1 vehicles essentially is: You should move out of the way
2 if you can, and you shall not shoot at moving vehicles,
3 or words to that effect?

4 A. Correct.

5 Q. And you said you fired six shots altogether?

6 A. Correct. Yes.

7 Q. At any time before you fired your shots, did
8 you see a gun or what you believed to be a gun on the
9 person you shot's person?

10 A. I did not see a firearm. I observed movements
11 consistent with someone who's armed with a firearm.

12 Q. Okay. Obviously, as a trained law enforcement
13 officer, you're familiar with what a firearm looks like?

14 A. Correct.

15 Q. So if I'm understanding you, you considered
16 that the person might have a firearm, but you didn't
17 actually see one; is that fair?

18 A. Correct.

19 Q. Did you give any verbal warning you were going
20 to shoot at any point?

21 A. I did not.

22 Q. When you fired your shots, were you moving or
23 stationary?

24 A. Stationary.

25 Q. Were you stationary for all your shots?

1 A. That is correct. I -- I had a handheld light
2 that I used for a light source.

3 Q. Did you have a flashlight with you, as well?

4 A. Yes. That's the handheld light, yes.

5 Q. Are you right-handed or left?

6 A. Right-handed.

7 Q. So at some point, did you have the flashlight
8 in your left hand?

9 A. Yes, for the duration of this incident.

10 Q. So that was providing some illumination?

11 A. Yes.

12 Q. So when you fired your first shot, the back of
13 the vehicle would have been approximately 10 or 15 feet
14 from you; is that correct?

15 A. Correct.

16 Q. And how about when you fired your second shot?
17 What would you estimate the distance? About the same?

18 A. Roughly, around the same.

19 Q. And how about your third shot? Was the
20 distance about the same?

21 A. Yes. The distance was pretty consistent
22 throughout that course of fire.

23 Q. Okay. So the vehicle was about 10 to 15 feet
24 from you, meaning the rear of the vehicle, during your
25 six shots?

1 A. Yes.

2 Q. And you're estimating that you fired from shots
3 one through six was approximately four to six seconds?

4 A. Yes.

5 Q. And were you aiming through the same area of
6 the vehicle for all the shots?

7 A. Correct.

8 Q. Which would be the back hatch?

9 A. It was the -- the hatch was lifted, which
10 exposed the driver's side's headrest, and that was the
11 point of aim.

12 Q. You were essentially trying to strike the
13 driver; is that fair?

14 A. Stop the threat.

15 Q. And by stopping the threat, you were trying to
16 strike the driver with a bullet, to stop the threat?
17 Was that your thinking?

18 A. That was the force option I was presented with,
19 yes.

20 Q. Okay. And so in terms of where you were
21 aiming, you're saying you were aiming towards the
22 headrest?

23 A. That -- the headrest provided a silhouette, the
24 shape of a head and shoulders.

25 Q. Okay. So that gave you some information: If

1 the driver was seated in the seat, as one normally would
2 be, his head or upper body would be in that area?

3 A. Correct.

4 Q. And you were generally aiming towards the head
5 and upper body, is that fair, or center mass?

6 A. Center mass.

7 Q. And your weapon is a semi-automatic weapon?

8 A. Correct. Yes.

9 Q. You have to press the trigger for each shot?

10 A. Correct.

11 Q. So you would have, in this case, intentionally
12 pressed the trigger six times?

13 A. Yes.

14 Q. And obviously, as you indicated, you were
15 stationary for all six shots?

16 A. Yes. For the most part, yes.

17 Q. And what -- you were standing in a driveway?

18 A. Yes.

19 Q. And was the front of the vehicle essentially
20 facing south?

21 A. Correct.

22 Q. And what was to your left as you were standing
23 in the driveway, if you recall?

24 A. A chain-link fence.

25 Q. Okay. Do you recall what the surface of the

1 driveway was; whether it was cement, asphalt, or dirt?

2 A. Gravel and dirt.

3 Q. And I'm a little directionally challenged,
4 Deputy Alfred; but if the chain-link fence would be to
5 the east -- did I have that right -- your left would be
6 east?

7 A. Yes.

8 Q. Okay. And how far would you estimate the
9 chain-link fence was from you when you were essentially
10 stationary, firing these six shots?

11 A. Rough estimate would be maybe one- to two-arms'
12 length.

13 Q. Okay. I don't know whose arms' length you have
14 in mind, but what would you estimate like an arm's
15 length to be, in terms of feet?

16 Are you thinking like an arm's length is like 3
17 feet; or are you thinking something else?

18 A. I would say 3 to 4 feet.

19 Q. Okay. So 6 to 8 feet the chain-link fence
20 would be, approximately, to your left?

21 A. No, 3 to -- 3 to 4 feet for the chain-link
22 fence.

23 Q. Oh, I'm sorry. I got confused. I thought you
24 said -- did you say two-arms' length or one? That's
25 where I got confused.

1 A. One to two. But if we're going to -- if I
2 could give an approximate distance from my original
3 position, I would say 2 to 3 feet.

4 Q. Okay. I misunderstood you. Because I was
5 thinking you were giving the estimate of an arm's length
6 to be 3 or 4 feet. But you were thinking about it, and
7 you were saying the approximate estimate from where the
8 left side of your body to that chain-link fence -- I
9 think you first you said 3 to 4 feet, and then you said
10 2 to 3 feet. Is that what you're thinking?

11 A. Yes.

12 Q. And the truck was backing up at some point;
13 right?

14 A. Yes.

15 Q. And how far was the truck from the chain-link
16 fence as it was coming backwards, the one on the east
17 side?

18 A. I don't recall.

19 Q. Do you have any estimate?

20 A. Roughly, around the same -- same distance. The
21 driveway is very narrow. You have to reverse to
22 actually get out of that driveway. So it's equivalent
23 to about one -- the length of a car lane, so...

24 Q. Okay. I guess what I'm trying to figure out,
25 you may have answered it, but it sounds like to the

1 driver's side of the truck would be the same chain-link
2 fence?

3 A. Correct.

4 Q. And when you were in the shooting position
5 firing your six shots, the chain-link fence was to your
6 left also?

7 A. Correct.

8 Q. And you've given me estimates: 3 to 4 feet, 2
9 to 3 feet from your left; is that fair?

10 A. Correct.

11 Q. What I'm wondering, if you know, was that about
12 the same distance, the 3 to 4 feet or 2 to 3 feet, that
13 the driver's side of the truck was from the chain-link
14 fence?

15 A. I don't know for certain. I can't answer that.

16 Q. All right. And then what would be to your
17 right? If the chain-link fence was to your left, what
18 was to your right when you were in the shooting
19 position?

20 A. The -- that would be the wall of the apartment
21 complex.

22 Q. Some type of wall? Do you know what it was
23 made out of?

24 A. It appeared to be a stucco; and a portion of it
25 transitions into a picket fence.

1 Q. Okay. And how far would you estimate you were
2 when you were shooting your shots from this wall, which
3 I would guess to be to your right, or to the west?

4 A. Correct.

5 Q. What would you estimate that distance?

6 A. Roughly, around the same distance, being
7 anywhere from 3 to 4 feet.

8 Q. So you think you were, more or less, 3 to 4
9 feet from the chain-link fence, and 3 to 4 feet from the
10 stucco wall, approximately?

11 A. Approximately, yes.

12 Q. It sounds like you were -- when you were
13 shooting, did you feel you were more on the driver's
14 side or the passenger's side of the -- of the truck?

15 A. Driver's side.

16 Q. Okay. Were you kind of inline with the
17 driver's side and the headrest, as you indicated
18 earlier?

19 A. Correct.

20 Q. So when you were shooting, were you, more or
21 less, shooting due south, towards the headrest?

22 A. Towards the -- the driver's seat, in the south
23 direction, yes.

24 Q. Okay. How tall are you?

25 A. Five foot, 10.

1 Q. How much do you currently weigh?

2 A. One hundred eight-five pounds.

3 Q. How old are you, currently?

4 A. Thirty-five.

5 Q. I want to just find out a little bit about your
6 background, before we go more into this.

7 I'm assuming you graduated high school?

8 A. Correct.

9 Q. What year did you do that in?

10 A. 2009.

11 Q. Did you play any sports in high school?

12 A. Basketball, yes.

13 Q. I'm assuming you played guard?

14 A. Point guard, yes.

15 Q. How many years did you play basketball?

16 A. Four.

17 Q. Were you essentially the starting point guard
18 on the varsity basketball team?

19 A. Yes.

20 Q. Any other sports, or just basketball?

21 A. Just basketball.

22 Q. And then did you go to college at all after
23 high school? I don't necessarily need to know the name,
24 but whether you did or not?

25 A. Online, I did.

1 Q. During that field training, did you have to
2 become familiar with some of the policies?

3 A. Yes.

4 Q. Did that include, for example, the policy
5 related to the use of deadly force?

6 A. Yes.

7 Q. And the policy related to shooting at moving
8 vehicles that we talked about earlier?

9 A. That encompasses it, yes.

10 Q. So when was it, approximately, that you
11 finished field training and you were able to go on
12 patrol by yourself?

13 A. Around July of 2018.

14 Q. And I think you told me that this -- your
15 recollection is this incident happened in April of 2021?

16 A. Correct.

17 Q. So it would have been approximately three years
18 that you were on patrol by yourself when this incident
19 occurred?

20 A. Yes.

21 Q. And during that time frame, so I'm talking
22 about your time on patrol before this incident, had you
23 ever seen a suspect with a gun in their hand before?

24 A. Yes.

25 Q. On how many occasions, approximately?

1 A. Probably 15.

2 Q. Were you trained that you can shoot someone
3 merely for seeing a gun in their hand?

4 A. No.

5 Q. Had you ever seen a suspect with, for example,
6 a knife in their hand?

7 A. Yes.

8 Q. On how many occasions, approximately?

9 A. Twenty to 30.

10 Q. Were you trained that you can shoot someone
11 merely for seeing a knife in their hand?

12 A. No.

13 Q. Without going into all of it, had you seen
14 other objects in people's hands that could be weapons,
15 like pipes, or bats, or things of that nature?

16 A. Yes.

17 Q. In addition to your firearm, did you have a
18 Taser on you at the time?

19 A. Yes.

20 Q. Did you have a police baton?

21 A. Yes.

22 Q. Did you carry OC spray?

23 A. Yes.

24 Q. Prior to the date of the shooting incident, had
25 you ever used pepper spray in the field before?

1 A. Yes.

2 Q. Do you know if any of your shots hit the person
3 you were trying to shoot?

4 A. During that time, I was not aware of that, no.

5 Q. Did you learn at some point whether they did or
6 didn't?

7 A. They did not, no.

8 Q. You learned later that they did not?

9 A. That's correct; yes.

10 Q. You're saying, at the time, you weren't sure?

11 A. At the time, I was not sure; yes.

12 Q. And why were you shooting at that individual?

13 A. A colleague was struck by gunfire in front of
14 me.

15 Q. Do you know who fired the shot that struck the
16 colleague?

17 A. No. There were multiple suspects.

18 Q. Okay. So let's talk a little bit about the
19 incident here.

20 Do you know the name of the person you shot?

21 A. Mr. Steffon Barber.

22 Q. To your knowledge, had you ever seen that
23 person before the day of the incident?

24 A. I had not, no.

25 Q. Did you have any information whether that

1 person had a criminal history, for example, at the time
2 you shot him?

3 A. Yes.

4 Q. You did have information he had a criminal
5 history?

6 A. Yes.

7 Q. What information did you have?

8 A. I received information through our sheriff's
9 dispatcher of the criminal history that pertains to
10 subjects in our county.

11 Q. Okay. I guess what I'm just wondering is, did
12 you have specific information regarding Mr. Barber?

13 A. No, not specific information.

14 Q. Okay. So, for example, did you have any
15 specific information that Mr. Barber had any convictions
16 before the shooting?

17 A. No.

18 Q. Any specific information that he had ever
19 physically injured anyone?

20 A. No.

21 Q. Any specific information that he had ever
22 verbally threatened to harm anyone?

23 A. Yes. That was information I learned when I
24 spoke to the reporting party.

25 Q. What did the reporting party tell you in that

1 regard?

2 A. That Mr. Barber had threatened them at the side
3 of their vehicle.

4 Q. In what way? Did they say what words he had
5 used?

6 A. I don't recall specifically what Mr. Barber
7 told them. They mentioned that he had struck the hood
8 of their vehicle, and they feared for their safety, so
9 they remained inside. And they believed that
10 Mr. Barber's behavior led them to believe that he was
11 armed with a weapon.

12 Q. Did they say they ever saw a weapon?

13 A. No.

14 Q. Did they say Mr. Barber said he had a weapon?

15 A. No.

16 Q. Did you observe any visible damage to their
17 car?

18 A. No.

19 Q. Any other information that you had related to
20 Mr. Barber, prior to attempting contact, other than what
21 you told me?

22 A. Where he was located and what he was wearing.

23 Q. Okay. Did you have any information, for
24 example, he was under the influence of drugs or alcohol?

25 A. I did not, no.

1 Q. Any information that he was related in any way
2 to a gang?

3 A. No.

4 Q. Did you have an understanding as to whose
5 residence that was that the -- his vehicle was in the
6 driveway?

7 A. Yes.

8 Q. What was your understanding?

9 A. From my understanding, it was a shared driveway
10 between the reporting party and Mr. Barber.

11 Q. So you understood that Mr. -- that driveway was
12 shared by the reporting party and Mr. Barber?

13 A. Correct.

14 Q. So was it your general understanding, at least,
15 that Mr. Barber had a right to be in that driveway?

16 A. It was my understanding that he -- he lived
17 there.

18 Q. Okay. Where did you have your conversation
19 with the reporting party?

20 A. Near the intersection of White Avenue and
21 Adelanto Road.

22 Q. What city was this in?

23 A. The city of Adelanto.

24 Q. Was that conversation with the reporting party
25 recorded, if you know?

1 A. Yes.

2 Q. Is that part of what you listened to recently?

3 A. Yes.

4 Q. Did you request any backup before attempting to
5 make contact with Mr. Barber?

6 A. No.

7 Q. Is there a reason why you didn't request backup
8 after you had the conversation with the reporting party?

9 A. Well, backup is discretionary. Usually, the
10 individual or the deputy, themselves, gauges the
11 situation to determine what resources they needed. And
12 given the situation, I felt that that was not necessary
13 at that time.

14 Q. Okay. I'm just wondering, because you
15 mentioned the reporting party said they thought he might
16 possibly have a gun, and whether you thought it might
17 have been better tactically to wait for another unit
18 before approaching?

19 A. In this incident, no, I did not. And that was
20 information that I didn't confirm. It wasn't
21 corroborated. In my training and my experience, that's
22 something that's said often to generate a fast law
23 enforcement response. Therefore, you don't want to
24 create a hypervigilant situation because of what someone
25 says.

1 Q. Okay. Your experience has been sometimes
2 people will say, "I think someone has a gun," to try to
3 expedite law enforcement response?

4 A. Correct.

5 Q. And you often find it turns out the person
6 didn't have a gun?

7 A. Correct.

8 Q. So you don't necessarily accept as true what
9 you're being told? You consider it and then try to do a
10 follow-up investigation?

11 A. Yeah. I think when it pertains to safety, you
12 want to keep those ideas at the forefront, but you still
13 have to take everything for face value.

14 Q. You did have information as to the address and
15 the clothing description, at least, of Mr. Barber?

16 A. Yes.

17 Q. What do you recall the clothing description to
18 be?

19 A. Mr. Barber wore a short-sleeve, white T-shirt.

20 Q. Any other clothing description you recall?

21 A. Long pants, unknown color.

22 Q. Did you have any age, height, or weight
23 information?

24 A. I did not, no.

25 Q. Did you have specifics of the type of vehicle

1 first seeing Mr. Barber outside the vehicle and him
2 getting in the vehicle?

3 A. Roughly, around eight to ten seconds.

4 Q. Was the door of the vehicle, the driver's door,
5 if you recall, opened or closed when you first saw
6 Mr. Barber?

7 A. Open.

8 Q. Could you tell if the vehicle was on or not
9 when you first saw Mr. Barber?

10 A. The brake lights -- or the parking lights were
11 illuminated.

12 Q. And what was your impression; that the vehicle
13 was on, because of that?

14 A. That, or it contained some kind of power source
15 or accessory lighting.

16 Q. Could you hear the engine of the vehicle at
17 that time?

18 A. No, not at that point.

19 Q. But your general impression was the vehicle was
20 on?

21 A. Yes.

22 Q. And you were, at that point, standing about 10
23 feet behind it?

24 A. Approximately, yes.

25 Q. Did you have anything in your hands at that

1 Mr. Barber before he got in the car?

2 A. I gave him those commands a second time; and he
3 refused a second time, yes.

4 Q. Same commands, again?

5 A. Yes. The second commands were followed by
6 explicit language, and he refused those commands.

7 Q. And when you say "explicit language," did you
8 use some profanity?

9 A. Correct.

10 Q. And without necessarily repeating it, what was
11 the first letter of the profanity?

12 A. "A."

13 Q. All right. Does the San Bernardino Sheriff's
14 Department have any policy regarding using profanity?

15 A. Yes.

16 Q. What is the policy, as you understand it?

17 A. From my understanding, it falls under the lines
18 of conducting yourself in a professional manner, so the
19 profanity is generally prohibited.

20 Q. Did you ever identify yourself as a police
21 officer?

22 A. No, I do not.

23 Q. Was your -- your -- you were probably assigned
24 a marked vehicle at the time?

25 A. Correct.

1 ready?

2 A. Correct.

3 Q. Did you know or did you have an impression as
4 to whether Mr. Barber saw you pull out your gun; or
5 you're not sure?

6 A. I am not sure.

7 Q. When he gets in the car, does the door close at
8 some point?

9 A. Yes.

10 Q. Now, your impression was the car might be on;
11 is that fair?

12 A. Correct.

13 Q. And your impression was that Mr. Barber may be
14 wanting to leave?

15 A. Correct. Yes.

16 Q. So did you then step out of the way to make
17 sure you wouldn't be in the path of the vehicle, if it
18 reversed?

19 A. I did not.

20 Q. At some point, do you see the reverse lights
21 come on?

22 A. Yes.

23 Q. Were you still about 10 feet from the back of
24 the car?

25 A. Roughly, within the general area.

1 Q. Did you then move to step out of the way, once
2 you saw the reverse lights come on?

3 A. No.

4 Q. How much time would you say passed from seeing
5 the reverse lights come on to you firing your first
6 shot?

7 A. One to two seconds.

8 Q. On the right side, I'm understanding there was
9 some break in the stucco, but you had passed that
10 position?

11 A. I'm sorry, can you --

12 Q. Yeah. I'm probably using -- I'm sorry. I'm
13 probably using the wrong description.

14 But it's my general understanding, from your
15 perspective, facing south, on the left is the chain-link
16 fence --

17 A. Uh-huh.

18 Q. -- is that correct?

19 A. Correct.

20 Q. Okay. But on your right side, which would be
21 to your west, a little bit behind where you were, there
22 was some opening?

23 A. Correct. Yes.

24 Q. Okay. Am I using the right word; or are you
25 more comfortable with another word, other than an

1 A. Yes.

2 Q. And you did not attempt to move out of the way
3 to the left or to the right, before you fired the shots;
4 is that also correct?

5 A. That is correct. With that being said, that --
6 that alleyway is a very -- it's a confined space, and
7 there's no ample space to go left and right, in terms of
8 fully making sure that I wouldn't be, you know, hit by
9 this vehicle.

10 As I previously stated, to one side of me
11 there's a chain-link fence; and to the other side, there
12 is a picket fence that doesn't offer me much security.
13 So there was really no proper avenue to retreat to.

14 Q. Obviously, the truck did not physically strike
15 you; is that fair?

16 A. Correct.

17 Q. And you didn't, for example, dive out of the
18 way; is that also correct?

19 A. That is correct.

20 Q. And going back to the training -- and I think
21 we went over this a little bit -- but your understanding
22 of the training is, if feasible, step out of the way,
23 rather than shooting at the vehicle? Is that generally
24 correct?

25 A. Yes.

1 Q. Is also part of the training, if feasible, not
2 to tactically position yourself behind a vehicle that
3 you think may be trying to reverse?

4 A. Not necessarily. I think that's kind of formed
5 on a case-by-case. I had no immediate indication that
6 that vehicle would reverse until Mr. Barber entered it
7 and the reverse lights came on.

8 Q. Okay. Because I thought you at least had the
9 impression that that vehicle belonged to Mr. Barber; is
10 that right?

11 A. I believed it was associated with him, yes.

12 Q. And your impression was the vehicle was on?

13 A. On, yes.

14 Q. And your impression was, based on your dialogue
15 with him and seeing him getting back in the car, that he
16 may try to leave?

17 A. Yes. At that -- at that point, once I saw him
18 enter the vehicle, I believed that the purpose of that
19 vehicle going in reverse was to potentially harm me,
20 yes.

21 Q. And I don't know, is -- in that driveway, can
22 you -- can you go forward to leave; or do you have to go
23 backwards to leave, if you know?

24 A. You have to reverse. It's one way in and one
25 way out.

1 Q. Were you aware of that at the time?

2 A. Yes.

3 Q. So I'm going to try to just show you a few
4 photographs that I think were taken as part of the
5 investigation.

6 But am I understanding you correctly that,
7 after the shooting, you did not approach the vehicle?

8 A. I did not, no. For officer safety purposes, I
9 still gave commands to Mr. Barber. I didn't receive a
10 response; and therefore, I needed to make sure I
11 maintained a visual on him as well, and delegate medical
12 resources when they arrived, where he was located.

13 Q. How did you try to maintain a visual? Where
14 did you go to maintain a visual?

15 A. I stepped a couple of feet away from the
16 vehicle; so that would be to my north.

17 Q. And when you say a "couple of feet," just --
18 did you go to one side or the other, or just straight
19 backwards?

20 A. Straight backwards. Initially, it was straight
21 backwards. And then there was some short pacing from
22 left to right, kind of using Mr. Barber's vehicle as
23 cover, but also drifting a little bit to the left to
24 maintain a line of sight for him.

25 Q. And to the left would be closer to the

1 continuing to roll backwards?

2 A. The vehicle had wedged against one of the west
3 portions of the wall. From my understanding, that
4 prevented the vehicle from traveling in reverse further.

5 Q. At some point, did you see the vehicle make
6 contact with that area by the wall?

7 A. Yes.

8 Q. And was that contact made before or after your
9 last shot?

10 A. After.

11 Q. And how far do you think the vehicle moved from
12 your last shot to making that contact?

13 A. Roughly, around a foot. It was a short
14 distance.

15 Q. Okay. And once the vehicle made that contact,
16 it didn't go back any further? Am I understanding that
17 correct?

18 A. It didn't -- it didn't reverse any further
19 until we contacted Mr. Barber.

20 Q. Okay. And then during that contact, did,
21 somehow, the vehicle roll back slightly?

22 A. Yes.

23 Q. Can you explain how that happened, please?

24 A. From my understanding, Mr. Barber's foot was on
25 the brake pedal, of some sort. And once he was

1 extracted from the vehicle for medical services, the
2 vehicle slowly went in reverse, and one of my partners
3 was able to put it in park to stop it from reversing.

4 Q. Okay. Do you have an estimate, or do you have
5 an understanding as to how much further it went in
6 reverse when Mr. Barber's foot came off the brake?

7 A. A couple of inches. Just enough for us to
8 under -- to realize that the vehicle was still in
9 reverse gear.

10 Q. So it was a short distance?

11 A. Short distance, yes.

12 Q. So is it your understanding that one of the
13 reasons the vehicle was not continuing to move backwards
14 because Mr. Barber's foot was on the brake?

15 A. No. It's my understanding the vehicle didn't
16 further go backwards because it had collided with a
17 portion of the wall.

18 Q. I mean, I understand that part. I guess what
19 I'm wondering is, why would it go backwards at all, if
20 you know, after his foot came off the brake?

21 MS. ANDERSEN: I'll object to the extent it
22 calls for speculation.

23 But you can answer, if you know.

24 THE WITNESS: I'm sorry. So your question?

25 MR. GALIPO: Yeah. It may call for

1 You can answer.

2 THE WITNESS: From my understanding and what I
3 observed, the vehicle was still in the reverse gear; and
4 his foot was removed from the brake, which led it to
5 travel a short distance.

6 BY MR. GALIPO:

7 Q. Okay. I'm going to show you just a few
8 exhibits. These are pictures that were taken as part of
9 the investigation. You may have seen some of these
10 before.

11 MR. GALIPO: Can we start with Exhibit 1?

12 And we'll send these to you, Kayleigh. They
13 have Bates stamp numbers on them.

14 MS. ANDERSEN: Okay. Fine.

15 MR. GALIPO: This one ends in 289.

16 (Exhibit Number 1 was marked.)

17 BY MR. GALIPO:

18 Q. Are you able to see this on your screen,
19 Deputy?

20 A. Yes.

21 Q. Is that essentially a photograph of yourself?

22 A. Yes.

23 Q. Is that how you were generally dressed at the
24 time of the shooting?

25 A. Yes. The face covering was lowered around my

1 neck.

2 Q. Okay. Was this kind of COVID time when this
3 happened?

4 A. Yes.

5 Q. And were you wearing some type of a face
6 covering or face mask?

7 A. I was equipped with one, but during my --
8 during my contact with Mr. Barber, the face covering was
9 removed from my face.

10 Q. And so you just simply lowered it down towards
11 your neck?

12 A. Correct. Yes.

13 Q. And do you recall if Mr. Barber had some type
14 of face mask?

15 A. I do not, no.

16 Q. You don't recall one way or the other?

17 A. No.

18 MR. GALIPO: Okay. Can we look at Exhibit 2,
19 please?

20 (Exhibit Number 2 was marked.)

21 MR. GALIPO: Thank you.

22 I don't know if I'm seeing the whole -- or
23 maybe I am.

24 BY MR. GALIPO:

25 Q. Okay. Can you see that on your screen?

1 me that was open at the time of the shooting; is that
2 correct?

3 A. Correct. Yes.

4 Q. There's some items, it looks like, on the
5 ground. I can't tell if that's a fire extinguisher or
6 what it is. Do you know if those were there after the
7 shooting or not?

8 MS. ANDERSEN: I'll object. Vague as to time.
9 But you can answer, if you understand.

10 MR. GALIPO: That is a fair objection.

11 BY MR. GALIPO:

12 Q. Let's say, like, before backup got there, do
13 you know if those were already on the ground?

14 A. I do not recall seeing those items, no.

15 Q. Okay. And you indicated that part of the
16 vehicle came in contact with the -- is it the chain-link
17 fence on the gate there, to the right?

18 A. That is correct, yes.

19 Q. When the vehicle was backing up, could you tell
20 if it was backing straight up or slightly at an angle,
21 one way or the other?

22 A. It appeared to be straight backwards.

23 Q. Okay. Did you notice it going more on the west
24 side of the driveway at some point?

25 A. I did not, no.

1 Q. When the vehicle was initially in the driveway,
2 before Mr. Barber got in, did it seem like it was
3 centered in the driveway, or more on one side or the
4 other?

5 A. It appeared centered.

6 MR. GALIPO: Can we look at Exhibit 6, please?
7 (Exhibit Number 6 was marked.)

8 BY MR. GALIPO:

9 Q. Is this a longer view of the -- of the
10 driveway?

11 A. Correct. Yes.

12 Q. Did you have an understanding as to where
13 Mr. Barber's residence was in relation to this driveway
14 or his vehicle?

15 A. I did not. I didn't associate Mr. Barber's
16 residence until a family member exited the apartment
17 after the shots were fired.

18 Q. Did the family member say anything to you?

19 A. Not to me directly, no.

20 Q. Did you see hear the family member say
21 anything?

22 A. Yes.

23 Q. What did you hear the family member say?

24 A. One of the family members yelled, "You shot
25 him."

1 A. Roughly, eight to ten, yes.

2 Q. Was it your understanding from the complaining
3 party, that they wanted Mr. Barber to move his vehicle
4 because it was blocking the driveway?

5 A. Correct. Yes.

6 Q. So, in essence, they were complaining that they
7 couldn't get out because Mr. Barber's vehicle was
8 blocking their exit?

9 A. They didn't share any information about being
10 able to leave. They only shared with me that his
11 vehicle blocked theirs in some sort of fashion.

12 Q. Okay. So were you planning on asking
13 Mr. Barber, if he had cooperated, to move his car?

14 A. No. I was further there to speak with
15 Mr. Barber, to get his version of events and also
16 investigate a vandalism.

17 Q. Do you recall at the time of your statement,
18 towards the end, them having you mark, like, where you
19 were at certain times, things of that nature?

20 A. Yes.

21 Q. And again, I'm looking at page 57 of your
22 statement. But you indicate, again, that the vehicle
23 was idling and the brake lights were on, when you first
24 approached it? Do you recall that?

25 A. Yes. The parking lights were on.

1 Q. Okay. And just so we're clear, because I don't
2 want to misstate the record, would you agree -- and I'm
3 reading from your statement, page 57, line 5. You
4 stated: "As the vehicle was idling and the brake lights
5 were on."

6 Do you recall saying that in your statement?

7 A. Yes.

8 Q. And obviously, that was before Mr. Barber got
9 in the vehicle?

10 A. Yes.

11 Q. And so you were aware that he could potentially
12 try to leave, is that fair, as one possibility?

13 A. Yes.

14 Q. And so I think you've answered this, but if I'm
15 understanding you correctly, the reason you positioned
16 yourself behind the vehicle as opposed to the side of
17 the vehicle, is to have some cover, but also to be in a
18 better position of mobility?

19 A. Yes. And that goes along with my observations
20 of Mr. Barber ignored my commands, reaching inside of
21 his vehicle when told not to do so. Given the fact that
22 I'm investigating a crime where he's been, you know,
23 mentioned as a potential suspect, yeah, all those
24 factors do come into play. I would hate to stand out in
25 the open and be shot.

1 A. No.

2 Q. Okay. Lastly, I just want to ask you about --
3 a little about your training with deadly force. We
4 talked about the part about shooting at moving vehicles.

5 But first of all, it's your understanding that
6 deadly force is the highest level of force an officer
7 can use?

8 A. Correct. Yes.

9 Q. And is it your understanding, based on your
10 training, if you're shooting center mass on a suspect,
11 that there's a probability of causing serious injury or
12 death?

13 A. It's a possibility, yes.

14 Q. Are you trained that deadly force should only
15 be used when the person has the ability, opportunity,
16 and apparent intent to immediately cause death or
17 serious bodily injury?

18 A. No. It's -- it's mainly based off of the
19 totality of the -- the circumstances, and you have to
20 look at that from a reasonable standpoint. But it's
21 mainly based off of the totality and all of the facts
22 that are presented.

23 Q. Were you trained in the academy that deadly
24 force should only be used if there's an immediate threat
25 of death or serious bodily injury?

1 A. No.

2 Q. Were you trained that you should only use
3 deadly force when there are no other reasonable options?

4 A. No. Once again, it's based off the totality.
5 We have other options, such as de-escalation, that we
6 try to utilize to reduce a violent outcome.

7 Q. Were you trained to give a verbal warning
8 before using deadly force, when feasible?

9 A. No.

10 Q. Were you trained that you have to justify each
11 of your shots when using deadly force?

12 A. Yes.

13 Q. Were you trained that a weapon in someone's
14 hands, such as a gun, is not enough, in and of itself,
15 to use deadly force?

16 A. That is correct. Yes.

17 Q. Were you trained that you should consider your
18 background or backdrop in using deadly force?

19 A. Yes.

20 Q. Do you know what your background or backdrop
21 was, beyond the vehicle in this case?

22 A. The small south portion of the yard, followed
23 by an open field.

24 Q. So do you kind of keep updated on deadly force
25 policies?

1 A. Yes. For any policy changes of any sort, our
2 training division sends out electronic learning material
3 for us to review; so, yes.

4 Q. Okay. Are you aware that the current Learning
5 Domain has been, for several years, says that there has
6 to be the ability, opportunity, and apparent intent to
7 immediately cause death or serious bodily injury? And
8 that comes right out of the revised Penal Code Section
9 835(a)?

10 A. Yes.

11 Q. So I just -- because I asked you that before.
12 Is that part of your training?

13 A. Yes.

14 MR. GALIPO: Okay. I think that's all the
15 questions I have.

16 Kayleigh, I don't know whether you have any
17 questions of your client today?

18 MS. ANDERSEN: I have a couple clarifying
19 questions.

20 MR. GALIPO: Sure.

21 MS. ANDERSEN: Okay.

22 EXAMINATION

23 MS. ANDERSEN:

24 Q. When you estimate you were about 8 to 10 feet
25 from the rear of the vehicle at the time you fired your

1 first shot, are you estimating the distance from the
2 open hatch or the rear bumper?

3 A. The open hatch.

4 Q. What is the approximate distance from where you
5 were when you fired your first shot to the end of the
6 driveway, where it meets the main road?

7 A. Roughly, about 60 feet.

8 Q. Do you know whether that flashlight -- and I
9 forget which exhibit it's in, in the photograph.

10 MR. GALIPO: Exhibit 2.

11 MS. ANDERSEN: Thank you.

12 MS. ANDERSEN:

13 Q. The flashlight that was depicted in Exhibit 2,
14 do you know whether that was moved after you dropped it?

15 A. Yes. Once the available resources were present
16 and medical services, there was personnel from AMR who
17 picked up the flashlight and asked who it belonged to,
18 and he was instructed to leave it where it was at.

19 Q. But you saw him pick it up?

20 A. Yes.

21 Q. Do you know whether any of the bullet casings
22 that were depicted in the last exhibit, which may have
23 been 10 -- do you know if any of those were kicked or
24 moved before the casings were photographed?

25 A. Yes. There were medical personnel walking in

1 that area, along with the gurney and other deputies that
2 arrived.

3 Q. And then to get to that opening in the fence to
4 the west of you, immediately before you fired your
5 shots, would you have had to move closer to the vehicle
6 to the south of you?

7 A. Yes.

8 MS. ANDERSEN: Okay. Those are the clarifying
9 questions I had. Thank you.

10 MR. GALIPO: Okay. You're welcome. I just had
11 some follow-up on a few of those.

12 FURTHER EXAMINATION

13 BY MR. GALIPO:

14 Q. The flashlight, am I understanding you
15 correctly that the person that picked it up was told to
16 put it back in its place?

17 A. That's what I heard, yes. Uh-huh.

18 Q. Did you see the person do that?

19 A. I only saw them pick it up.

20 Q. The casings, did you actually see any casings
21 being moved?

22 A. No. I just saw the fire personnel and other
23 deputies walk along that path line of where those
24 casings were.

25 Q. Don't law enforcement normally have training

1 STATE OF CALIFORNIA)
2) ss:
3 COUNTY OF BUTTE)

4 I, KIMBERLY E. D'URSO, do hereby certify:

5 That the witness named in the foregoing
6 deposition was present remotely and duly sworn to testify
7 to the truth in the within-entitled action on the day and
8 date and at the time and place therein specified;


9 That the testimony of said witness was reported
10 by me in shorthand and was thereafter transcribed through
11 computer-aided transcription;

12 That the foregoing constitutes a full, true and
13 correct transcript of said deposition and of the
14 proceedings which took place;

15 Further, that if the foregoing pertains to the
16 original transcript of a deposition in a federal case,
17 before completion of the proceedings, review of the
18 transcript [] was [] was not requested.

19 That I am a certified stenographic reporter and
20 a disinterested person to the said action;

21 IN WITNESS WHEREOF, I have hereunder subscribed
22 my hand this 2nd day of September, 2025.

23 

24 KIMBERLY D'URSO, CSR NO. 11372, RPR
25